



राजपत्र, हिमाचल प्रदेश

(असाधारण)

हिमाचल प्रदेश राज्य शासन द्वारा प्रकाशित

शिमला, सोमवार, 24 दिसम्बर, 2001/3 पौष, 1923

हिमाचल प्रदेश सरकार

वन विभाग

आदेश

शिमला-2, 10 दिसम्बर, 2001

संख्या एफ0 एफ0 ई0-बी0-ए0(3) 4/99.—हिमाचल प्रदेश के राज्यपाल, हिमाचल प्रदेश साधारण खण्ड अधिनियम, 1968 (1969 का 16) की धारा 20 के साथ पठित हिमाचल प्रदेश भू-परिरक्षण अधिनियम, 1978 (1978 का 28) की धाराओं 4 और 7 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, हिमाचल प्रदेश के जिला कुल्लू, चम्बा, कांगड़ा, मण्डी, हमीरपुर, ऊना, बिलासपुर, मोलन, शिमला और किन्नौर की बाबत पूर्वोक्त अधिनियम के उपबन्धों को प्रभाव देने के लिए आवश्यक विनियमन, निबन्धन, प्रतिषेध और निदेशों के सम्बन्ध में इस विभाग के आदेश संख्या 15-4/71-एस0 एफ0-11, तारीख 27-8-1980 में और संशोधन करने के लिए निम्नलिखित परिवर्धन करना प्रस्तावित करते हैं और इन्हें जनसाधारण की सूचना के लिए राजपत्र में प्रकाशित करते हैं।

यदि कोई हितवद् व्यक्ति इन संशोधनों/परिवर्धनों की बाबत कोई आक्षेप या सुझाव देना चाहे तो वह (वे) उसे (उन्हें) प्रकाशन के 30 दिनों की अवधि के भीतर सचिव (वन) हिमाचल प्रदेश सरकार को भेज/दाखिल कर सकेगा।

नियत अवधि के भीतर प्राप्त आक्षेप (आक्षेपों) या सुझाव (सुझावों) यदि कोई हों, पर राज्य सरकार द्वारा, हिमाचल प्रदेश भू-परिरक्षण अधिनियम, 1978 की धारा 7 के अधीन जांच के दौरान प्रस्तावित संशोधनों/परिवर्धनों को अन्तिम रूप देने से पूर्व विचार किया जाएगा।

प्रारूप संशोधन

इस विभाग के आदेश संख्या 15-4/71-एस0 एफ0-II तारीख 27-8-1980 में पैरा 5 के पश्चात् निम्नलिखित पैरे जोड़े जाएंगे, अर्थात् :—

“6. The Principal Chief Conservator of Forests may allow extension in the working period upto one year, after satisfying himself that adequate reasons exist for granting such extension in the following circumstances :—

- (i) Where the process of demarcation of land and marking of trees has been completed during the prescribed year of felling and felling orders stand issued by the competent authority, but felling of trees has not been done or has been done partly; and
- (ii) Where process of demarcation of land and marking of trees has been completed during the prescribed year of felling but felling orders have not been issued.

7. In all other cases except those mentioned in para-6 (i) and (ii), the competent authority (depending upon the numbers of trees to be felled) may allow felling irrespective of approved 10 years felling programme of the concerned area, in the following circumstances:—

- (i) Where trees have fallen or have dried due to natural calamities, disease or insect attack etc. and their retention may result in loss of value;
- (ii) Where the land holdings in a particular revenue estate are under consolidation operations, the year following the one in which these operations have been concluded shall be treated as the prescribed year of felling;
- (iii) Where Government/private land has been acquired/leased/purchased/transferred for a public purpose such as for creation of infrastructure facilities or laying of irrigation and water supply lines or transmission lines or any other conveying systems or setting up of Industries, hydro-power projects, tourism resorts or educational institutions or any other facilities which are in the public interest; and
- (iv) Where the Government of India's approval for diversion of the forest land has been received.

8. In all other cases other than those mentioned in para 6, deviation from the approved 10 years felling programme governing felling of trees from private land may be granted for a period not exceeding 1 year beyond the prescribed year of

felling by the principal Chief Conservator of Forests and upto two years by the State Government subject to their being satisfied that sufficient reasons exist for granting such deviation.

9. Permission for deviation as mentioned in para 7 above shall be granted either at the time of demarcation and marking of trees or at the time of felling and it shall not be mandatory to obtain such permission twice.
10. Application for demarcation of the area from which felling is proposed to be done may be filed before the competent authority one year in advance from the prescribed year of felling.
11. In no case advance felling shall be permitted before the prescribed year as fixed in the approved 10 years felling programme.
12. In order to encourage the H. P. State Forest Corporation [in respect of species enlisted in scheduled Annexure 2 (1) (d) of H. P. Forest Produce (Regulation of Trade) Act, 1982] and the land owners and their attorneys (in respect of non-scheduled species), to complete the felling and extraction from private areas within the prescribed year of felling and not to seek frequent extensions, extension fee shall be levied on the balance number of trees/volume to be felled on the following rates :—

1. Scheduled species	.. Rs. 100/- per cubic metre (standing volume)
2. Khair	.. Rs. 30/- per metre Girth (MG)
3. Broad leaved species	.. Rs. 10/- per cubic metre."

आदेश द्वारा,

हस्ताक्षरित/-
वित्तायुक्त एवं सचिव ।

[Authoritative English text of this department Order No. FFE-B-A (3) 4/99, dated 10-12-2001 as required under clause (3) of Article 348 of the Constitution of India].

FOREST DEPARTMENT

ORDER

Shimla-2, the 10th December, 2001

No. FFE-B-A (3) 4/99.—In exercise of powers conferred by sections 4 and 7 of the Himachal Pradesh Land Preservation Act, 1978 (Act No. 28 of 1978) read with section 20 of the Himachal Pradesh General Clauses Act, 1968 (Act No. 16 of 1969), the Governor, Himachal Pradesh proposes to make following additions further to amend this department Order No. 15-4/71-SF-II, dated 27-8-1980 regarding regulation, restrictions, prohibition and directions in respect of Districts Kullu, Chamba, Kangra, Mandi, Hamirpur, Una, Bilaspur, Solan, Shimla and Kinnaur in Himachal Pradesh necessary for the purposes of giving effect to the provisions of the Act *ibid* and publish the same in the Official Gazette for the information of general public.

If any interested person(s) has/have any objection(s) or suggestion(s) with regard to the said amendments/additions, he/they may file the same to the Secretary (Forest) to the Government of Himachal Pradesh within a period of 30 days of the publication.

Objection(s) or suggestion(s) if any, received within the stipulated period shall be considered during the inquiry by the State Government under Section 7 of the H. P. Land Preservation Act, 1978 before finalising the proposed amendments/additions.

DRAFT AMENDMENTS

In this Department Order No. 15-4/71-SF-II dated 27-8-1980, after para 5, the following paras shall be added, namely :

- “6. The Principal Chief Conservator of Forests may allow extension in the working period upto one year, after satisfying himself that adequate reasons exist for granting such extension in the following circumstances :—
 - (i) Where the process of demarcation of land and marking of trees has been completed during the prescribed year of felling and felling orders stand issued by the Competent authority, but felling of trees has not been done or has been done partly; and
 - (ii) Where process of demarcation of land and marking of trees has been completed during the prescribed year of felling but felling orders have not been issued.
7. In all other cases except those mentioned in para-6 (i) and (ii), the competent authority (depending upon the number of trees to be felled) may allow felling irrespective of approved 10 years felling programme of the concerned area, in the following circumstances :—
 - (i) Where trees have fallen or have dried due to natural calamities, disease or insect attack etc. and their retention may result in loss of value;
 - (ii) Where the land holdings in a particular revenue estate are under consolidation operations, the year following the one in which these operations have been concluded shall be treated as the prescribed year of felling;
 - (iii) Where Government/private land has been acquired/leased/purchased/transferred for a public purpose such as for creation of infrastructure facilities or laying of irrigation and water supply lines or transmission lines or any other conveying systems or setting up of Industries, hydro-power projects, tourism resorts or educational institutions or any other facilities which are in the public interest; and
 - (iv) Where the Government of India's approval for diversion of the forest land has been received.
8. In all other cases other than those mentioned in para 6, deviation from the approved 10 years felling programme governing felling of trees from private land may be granted for a period not exceeding 1 year beyond the prescribed year of felling by the Principal Chief Conservator of Forests and upto two years by the State Government subject to their being satisfied that sufficient reasons exist for granting such deviation.
9. Permission for deviation as mentioned in para 7 above shall be granted either at the time of demarcation and marking of trees or at the time of felling and it shall not be mandatory to obtain such permission twice.

10. Application for demarcation of the area from which felling is proposed to be done may be filed before the competent authority one year in advance from the prescribed year of felling.
11. In no case advance felling shall be permitted before the prescribed year as fixed in the approved 10 year felling programme.
12. In order to encourage the H. P. State Forest Corporation [in respect of species enlisted in Scheduled Annexure 2 (1) (d) of H. P. Forest Produce (Regulation of Trade) Act, 1982] and the land owners and their attorneys (in respect of non-scheduled species), to complete the felling and extraction from private areas within the prescribed year of felling and not to seek frequent extensions, extension fee shall be levied on the balance number of trees/volume to be felled on the following rates :—

1. Scheduled species	..	Rs. 100/- per cubic metre (standing volume)
2. Khair	..	Rs. 30/- per metre Girth (MG)
3. Broad leaved species	..	Rs. 10/- per cubic metre''.

By order,

AVAY SHUKLA,
Financial Commissioner-cum-Secretary.

